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## PART III.

### Legislative Measures and Rules thereunder.

### NOTIFICATION.

*No. P.* 281—*Legis.* 56-25-4, *dated* 16*th July* 1926.

Ordered that the accompanying Regulation to amend the Mysore Land Revenue Code which received the assent of His Highness the Maharaja on the twelfth day of July 1926 be published as Regulation No. V of 1926, in the *Mysore Gazette* for general information.

By Order,
B. NAGAPPA,
*Secretary to Government,*
*Local and Legislative Departments.*

### REGULATION V OF 1926.

*(Received the assent of His Highness the Maharaja on the twelfth day of July* 1926.)

A REGULATION TO AMEND THE MYSORE LAND REVENUE CODE, REGULATION IV OF 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, Regulation IV of 1888, His Highness the Maharaja of Mysore is pleased to enact as follows :—

The following Section shall be inserted as Section 183A after Section 183.

"183. A. (1) Any person owning or claiming any interest in immoveable property sold under this Regulation may, at any time within 30 days from the date of sale, deposit in the Treasury of the taluk in which the immoveable property is situate—(*a*) a sum equal to 5 per centum of the purchase money and (*b*) a sum equal to the arrears of revenue for which the immoveable property was sold together with interest thereon and the expenses of attachment, management, and sale and other costs due in respect of such arrears ; and may apply to the Deputy Commissioner to set aside the sale.

(2) If such deposit and application are made within 30 days from the date of sale, the Deputy Commissioner shall pass an order setting aside the sale and shall repay to the purchaser the purchase money so far as it has been deposited, together with the 5 per centum deposited by the applicant; provided that if more persons than one have made deposits and applied under this Section, the application of the first depositor to the Officer authorised to set aside the sale shall be accepted.

(3) If a person applies, under Section 184, to set aside the sale of immoveable property, he shall not, unless he withdraws that application, be entitled to make or prosecute an application under this Section."

MIRZA M. ISMAIL,
*Dewan.*

## THE MYSORE VILLAGE PANCHAYET REGULATION, II of 1926.

*(Received the assent of His Highness the Maharaja on the first day of July 1926.)*

### CHAPTER I.

### PRELIMINARY.

Preamble. Whereas it is expedient to make better provision for the administration of local affairs of villages by the inhabitants thereof; It is hereby enacted as follows:—

Short title. 1. (1) This Regulation may be called the Mysore Village Panchayet Regulation, 1926.

Extent. (2) It extends to the whole of Mysore.

Commencement. (3) It shall come into force in any district or part of a district on such date as the Government may, by notification, direct.

Provided that it shall be lawful, at any time after the passing of this Regulation, to hold elections in any district or part of a district for the purpose of this Regulation, in accordance with the rules framed thereunder, but such elections shall not take effect till the commencement of this Regulation in that district or part of the district.

Repeal. 2. (1) On and from the date on which this Regulation comes into force in any district or part of a district, the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, and Regulation III of 1921 so far as they relate to Village Panchayets, shall be repealed in such district or part of a district.

Provided that all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation.

(2) When in consequence of the repeal of the enactments referred to in sub-section (1) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be recovered under the provisions of this Regulation.

Interpretation. 3. In this Regulation, unless there is something repugnant in the subject or context,

(1) "Amildar" includes a Deputy Amildar;

(2) "building" includes a house, shop, warehouse, workshop, hut and shed;

(3) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed

(4) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation;

(5) "hamlet" means a village, the Village Panchayet of which consists of all the voters of the village as provided in section 6;

(6) "Panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(7) "Panchayetdar" means a member of a Panchayet;

(8) "prescribed" means prescribed by rules made under this Regulation;

(9) "Taluk" includes a sub-taluk;

(10) "village" means a local area recognised by Government from time to time as a village for purposes of collecting the land Revenue and includes a dakle village and an alienated village, but does not include a local area constituted into a Municipality;

(11) "Village Forest" means a forest constituted as much under the Mysore Forest Regulation.

## CHAPTER II.

### CONSTITUTION OF PANCHAYETS AND CONDUCT OF BUSINESS.

Establishment and incorporation of Panchayets.

4. (1) In any district or part of a district to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjoining villages, and shall have power, by a notification in the *Official Gazette*, to vary as occasion may demand, the grouping of villages.

Provided that the Deputy Commissioner shall, before a Panchayet is established for a group of villages or a regrouping of villages is effected, publish, in such manner as may be prescribed, a notice of his proposal to do so and consider any objections that may be preferred within one month of such publication.

(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, whether within or without the limits of the area over which it has authority, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.

Strength of the Panchayets and the election or nomination of members.

5. (1) A Panchayet shall consist of such number of members not less than 7 and not more than 12 as may be fixed by the Deputy Commissioner subject to the rules framed by the Government in this behalf.

(2) The members of a Panchayet shall be residents of the village or group of villages for which the Panchayet is established and may, as the Government may direct, be—

(i) either wholly elected by the residents of the village or villages: or

(ii) partly elected and partly nominated.

Provided that where the members are to be partly elected and partly nominated, the number to be elected shall not be less than half of the total number of members of the Panchayet.

(3) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of elected members to represent each such village.

(4) The members shall be elected in the manner prescribed.

(5) Any vacancies due either to want of candidates or to failure to elect the required number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a member as if he had been duly elected.

Conditions under which a village under a Panchayet may be included under another Panchayet, etc.

6. (1) If two-thirds of the number of voters in a village included within a group of villages under the jurisdiction of a Village Panchayet elect to have their village brought under the jurisdiction of any other Village Panchayet, such village may, with the consent of the latter Village Panchayet, be brought under its jurisdiction, and after a period of not less than five years may similarly be brought within the jurisdiction of another Village Panchayet.

Hamlet.

(2) If two-thirds of the number of voters in any village included in a group of villages under the jurisdiction of a Village Panchayet elect to have their village constituted into a hamlet, it may be so constituted and thereafter, all the voters in the said village shall perform for the village all the duties and shall have all the powers of a Village Panchayet under this Regulation.

(3) It shall be open to a hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet with the consent of such Panchayet, provided that a period of five years has elapsed, after it elected, to become a hamlet.

Qualifications of voters.

7. Every person who is a resident of a village and has completed twenty-one years of age, shall be entitled to vote at an election of members of the Panchayet of that village, unless disqualified.

Disqualifications of voters.

8. No person may vote—

(*a*) who is of unsound mind; or

(*b*) who has been removed from office under section 14; or

(*c*) who is sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, such sentence not having been subsequently reversed or the offence pardoned; or

(*d*) who is adjudicated an insolvent; or

(*e*) who has been ordered to find security for good behaviour under section 118 of the Criminal Procedure Code.

Provided that the disqualification—

(1) under clause (*b*) will cease to operate after the expiry of three years from the date of such removal;

(2) under clause (*c*) will, in the case of a person sentenced to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in all other cases after three years after the expiry of the sentence;

(3) under clause (*e*) will cease to operate after expiry of the period during which the person is ordered to furnish security.

Qualifications of candidates.

9. Every person of the male sex who is entitled to vote at an election shall be qualified to be elected as a member.

Chairman.

10. (1) For every Village Panchayet there shall be a Chairman who shall be selected from among the Panchayetdars and either:

(*a*) appointed by the Deputy Commissioner by name; or

(*b*) if the Government so directs, elected by the Panchayetdars in accordance with such rules and conditions as may be prescribed in this behalf.

Secretary for Panchayet.

11. Subject to such rules as may be made by the Government in this behalf, every Panchayet may appoint a Secretary from among its members who shall perform such duties as may be prescribed.

Term of office of Panchayetdar or Chairman.

12. Except as is otherwise provided in this Regulation, members of Panchayets shall hold office for a term of three years which may be extended by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner thinks fit, for reasons which shall be notified, together with the order in the Official Gazette, so to extend the same. The term of office of a Chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar.

Vacation of seats.

13. (1) If any person subject to any of the disqualifications specified in section 8 is elected or appointed to a Panchayet, his seat shall be deemed to be vacant.

(2) If any member of a Panchayet becomes disqualified under section 8 during the term for which he had been elected or appointed, he shall cease to be a member and his office shall become vacant.

(3) If any question, dispute or doubt arises whether any vacancy has occurred under this section, the orders of the Deputy Commissioner shall be final for the purposes of deciding such question, dispute or doubt.

Removal of members.

14. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Deputy Commissioner shall be final.

Removal of Chairman.

15. The Deputy Commissioner may remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform his duty or for any disgraceful conduct, after giving him an opportunity of being heard and after such enquiry as the Deputy Commissioner deems necessary. An appeal shall lie to Government from the order of the Deputy Commissioner.

Resignation of office of Panchayetdar or Chairman.

16. A Panchayetdar or Chairman may resign his office by giving notice to the Amildar, and on such resignation being accepted, such Panchayetdar or Chairman shall be deemed to have vacated his office.

Filling of casual vacancies.

17. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary, if any, or any member selected by the Panchayet, in cases where no Secretary to the Panchayet is appointed, shall be in charge of the office of the Chairman during a casual vacancy and pending the appointment or election of a new Chairman.

Business how transacted.

18. (1) A Panchayet shall, in the transaction of business, follow such procedure as may be prescribed. The Chairman shall hold a meeting of the Panchayet in each month for the disposal of the business of the Panchayet. He may whenever he thinks fit and shall, upon the written request of not less than one-half of the members call a special meeting.

Quorum.

(2) The quorum for a meeting of the Panchayet shall be not less than one-half of the whole number of members of the Panchayet and shall not be less than five in any case, provided that in the case of a hamlet, it shall be a bare majority of the voters in the hamlet.

Questions to be generally decided by majority of votes.

(3) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting. The Chairman unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and then in case of equality of votes he shall give his casting vote.

(4) At every meeting of a Panchayet, the Chairman shall preside, and in his absence, the members of the Panchayet present shall choose one of their number to preside thereat.

(5) The resolutions of the Panchayet shall be carried out by the Chairman in whom the entire executive power of the Panchayet shall be vested. The Chairman shall be directly responsible for the due fulfilment of the duties imposed upon the Panchayet by or under this Regulation.

An act of Panchayet not to be invalidated by vacancy or irregularity.

19. No act of a Panchayet shall be deemed invalid by reason only that the number of Panchayetdars at the time of the performance of such act was less than the sanctioned strength or by reason of any irregularity in the election of any member or Chairman of such Panchayet.

## CHAPTER III.

### DUTIES AND POWERS.

*Duties—Obligatory and discretionary.*

Obligatory duties.

20. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters :—

(*i*) Construction, repair and maintenance of village roads including cart-tracks, culverts and bridges, but not including those under the control of any other local body or of Government ;

(*ii*) Construction of drains, and disposal of drainage water and sullage ;

(*iii*) Cleansing of streets, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the village ;

(*iv*) Regulation of buildings ;

(*v*) Opening and maintenance of burial and burning grounds ;

(*vi*) Management and maintenance of cattle pounds ;

(*vii*) Sanitation, conservancy and prevention and abatement of nuisances ;

(*viii*) Preservation and improvement of public health ;

(*ix*) Maintenance and regulation of the use of public buildings vested in the Panchayet ;

(*x*) Control of other institutions or property belonging to or vested in it ;

(*xi*) Maintenance of tanks and wells (other than tanks and wells used exclusively for irrigation) ; and

(*xii*) Supply of water for domestic use.

Discretionary duties.

21. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters :—

(i) Providing facilities for travellers ;

(ii) Relief of the poor and the sick ;

(iii) Extension of village sites ;

(iv) Excavation and maintenance of ponds for the supply of water to animals ;

(v) Planting and preservation of groves and trees on the sides of roads and other public grounds ;

(vi) Control of cattle stands, grazing grounds and other communal waste lands ;

(vii) Development of education, agriculture, co-operation, rural industries and trade ;

(viii) The lighting of the village ; and

(ix) Other measures of public utility calculated to promote the safety, health, comfort or convenience of the residents of the area.

*Duties that may be delegated.*

Transfer of grazing and village Forests to Panchayets.

22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management and control of grazing in hulbanni and gomal lands and the management, protection and maintenance of Village Forests, whether reserved for fuel and fodder or for other purposes.

Vesting Panchayets with functions under the Tank Panchayet Regulation.

23. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions of a panchayet under the Tank Panchayet Regulation, 1911, notwithstanding anything contained in section 3 of that Regulation.

Institutions or works may be transferred to Panchayet

24. Subject to such rules as may be prescribed by the Government, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.

Panchayet to exercise powers of School Committees and manage Minor Muzrai Institutions.

25. The Government may, by a general or special order, entrust the management of Minor Muzrai Institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet and prescribe such rules as may be necessary for their management and supervision.

*Powers.*

Government's powers to add to functions of Panchayets.

26. The Government may, subject to such conditions as may be imposed, authorise any Panchayet, by a general or special order, to exercise any functions or perform any duties other than those specified in sections 20 to 25.

General power.

27. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 28, 29, 30, 31 and 32: provided that the Panchayet may appoint Committees to perform any of these functions.

Power of Panchayets as to roads bridges and water ways.

28. The Panchayet shall have control of all village roads and bridges thereon, cart tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a District Board, Municipal Council or a Government Officer, and may do all things necessary for the maintenance and repair thereof and may—

(*a*) lay out and make new roads;

(*b*) construct new bridges;

(*c*) widen, open, enlarge, or otherwise improve any road or bridge;

(*d*) divert, discontinue or close any road or bridge;

(*e*) deepen or otherwise improve water-ways; and

(*f*) provide for the lighting of any road or public place within the village.

Control of the erection of buildings.

29. (1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds and it shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission, the Panchayet may—

(*a*) direct that the building, alteration or addition be stopped;

(*b*) by written notice require such building, alteration or addition to be altered or demolished as it may deem necessary; or

(*c*) withdraw the permission.

Prohibition of offensive or dangerous trades without license.

30. (1) No place within the jurisdiction of a Panchayet shall be used for the purpose of any trade or business which the Government may, by notification, declare to be offensive or dangerous, except under a license from the Panchayet and subject to such conditions as may be imposed in the license.

(2) When a licensee fails to comply with any conditions imposed in the license, the Panchayet may suspend or cancel his license.

Power as to sanitation, conservancy and drainage.

31. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, (a) Panchayet may,

by a written notice, require within a reasonable period to be specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayet;

(iv) the owner or occupier of any land or building which contains well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith as may be deemed necessary by the Panchayet;

(v) the owner or occupier of any land overgrown with vegetation, under-growth, prickly pear, or jungle which is in any manner injurious to health, or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, under-growth, prickly pear, or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 36.

Power of Panchayet to provide for proper water-supply.

32. (1) For providing the area under its control or any part thereof with a supply of water, proper and sufficient, for public and private purposes, the Panchayet may—

(*a*) construct, repair and maintain tanks or wells and clear out streams or water courses;

(*b*) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control;

(*c*) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom;

(*d*) contract with any person for a supply of water; or

(*e*) do any other acts necessary for carrying out the purposes of this section.

(2) The Panchayet may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1), subject to any rights which the owner referred to in clause (*c*) of that sub-section may retain with the consent of the Panchayet.

(3) The Panchayet may, by order published at such places as it may think fit, prohibit,

(*a*) all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2); and

(*b*) during epidemics, the use of any source of water supply for drinking or culinary purposes or for the washing of clothes.

Power of entry.

33. Any member, officer or servant of a Panchayet may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Regulation.

Provided that—

(a) no such entry shall be made between sunset and sunrise;

(b) unless the entry be with the consent of its occupier, no dwelling-house shall be so entered without giving reasonable previous notice signed by the Chairman or by a person duly authorised by him in this behalf of the intention to make such entry; and

(c) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

Officers and servants.

34. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants and shall assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary.

## CHAPTER IV.

### PANCHAYET FUND AND RECOVERY OF DUES.

Panchayet Fund and its application and investment.

35. (1) All sums realised as taxes, fees, cesses, fines or costs under this Regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayet by any general or special order of Government and all other receipts of the Panchayet including any donations from a private person or body of persons, and any contribution or grant from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund."

(2) The Panchayet Fund shall be administered by the Panchayet and the expenses incurred by the Panchayet in carrying out the purposes of this Regulation shall be paid out of the Panchayet Fund:

Provided that all sums made over to or realised by a Panchayet for any specific purpose shall be applied solely for that purpose.

(3) The Panchayet Fund shall be lodged in the Government Savings Bank or in a Co-operative Society or Bank approved by the Deputy Commissioner, or in such manner as may be prescribed. A Panchayet may, from time to time, with the approval of the Deputy Commissioner, invest any portion of its surplus funds in Government securities or other securities approved by the Government.

Obligatory taxes.

36. (1) Every Panchayet shall levy, in the manner prescribed, a tax on all houses, shops or places of trade or business, vacant sites, hittals and carts in the village or villages within its jurisdiction.

(2) The rates of such taxes shall not exceed the maxima that may be prescribed.

(3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or a class of individuals, subject to such rules as may be prescribed in this behalf.

Optional levy of taxes, cesses, etc.

37. (1) A Panchayet may also levy, with the previous sanction of the Government and subject to such rules as may be prescribed in this behalf, any other tax, cess, rate or license or other fee for the discharge of any of the duties imposed on it:

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may, with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.

(2) Any such tax, cess, rate or fee may be cancelled with the previous sanction of the Government.

Increase of income.

38. (1) If at any time, in the opinion of the Deputy Commissioner, the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in section 20, the Deputy Commissioner may call upon the Panchayet to take steps within six months, to increase its income to such an amount as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under section 36:

Provided that in no circumstances shall the Deputy Commissioner have power to require the rates of taxes to be increased beyond the maxima prescribed.

(2) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.

Objection in respect of liability to assessment.

39. Objections to any assessment and the liability of any person to be assessed under this Regulation shall be preferred and decided in accordance with the rules made under this Regulation.

Collection of taxes, cesses, fees, etc.

40. (1) The amount of taxes, fees or other dues shall be paid in such manner as may be prescribed, and in case of default of such payment, shall be recovered by the Chairman by distraint and sale of the movable property of the defaulter.

(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar may recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).

(3) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.

(4) If the taxes or other dues cannot be recovered under sub-sections (1) and (2), a statement of account shall be prepared by the Amildar and such statement, when certified by the Deputy Commissioner, shall be conclusive evidence of the existence of the arrear, of the amount due as arrear, and of the person who is the defaulter. It shall be lawful for the Deputy Commissioner to recover such dues as an arrear of land revenue, and on receipt of such certified statement, it shall be lawful for the Deputy Commissioner of any other District to recover the dues so certified as if the demand arose in his own District.

(5) Nothing herein contained shall preclude the institution by a Panchayet of a suit for any amount due under this Regulation.

(6) No proceedings shall be taken under sub-sections (1), (2) or (4) more than three years after the amount became due.

Annual budget of Panchayets.

41. (1) Subject to such rules as may be prescribed, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Amildar having jurisdiction.

(2) Every such budget shall be scrutinised and passed by the Amildar with such modifications, if any, as he deems fit and a copy of it shall be sent to the Deputy Commissioner having jurisdiction. Provided that the budget shall be presumed to have been passed if it is not returned by the Amildar within a month.

(3) No expenditure which is not provided for in the budget as passed by the Amildar shall be incurred without the previous sanction of the Amildar.

Annual accounts and audit.

42. Accounts of all the receipts and expenditure of every Panchayet shall be maintained for every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

## CHAPTER V.

### CONTROL.

Deputy Commissioner to be chief controlling authority.

43. The Deputy Commissioner of the District shall be the chief controlling authority in respect of all matters relating to the administration of Panchayets in the district.

Assistant Commissioner to exercise powers of Deputy Commissioner.

44. Subject to the general control of the Deputy Commissioner of the District, the Assistant Commissioner in charge of a taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk, except those specified in sections 4, 5, 14, 15, 38, 47, 54 and 57.

Amildar to exercise general powers.

45. Subject to the general control of the Deputy Commissioner, the Amildar shall exercise general powers of inspection, supervision and control over the Panchayets within his taluk: Provided that the Government may confer on the holder of any alienated village all or any of the powers of an Amildar under this Regulation.

Administration Report.

46. The Amildar shall submit annually to the Deputy Commissioner a consolidated report on the working of the Panchayets in the taluk in such form as the Government may from time to time prescribe and the Deputy Commissioner shall review the report and submit a copy of his review for the information of Government.

Power of Deputy Commissioners.

47. The Deputy Commissioner may, by order in writing, require any Panchayet in his district to perform any duty—whether obligatory, discretionary or delegated under this Regulation—annul any proceedings which he considers to be not in conformity with law and may do all things necessary to secure such performance or conformity: Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government from the order of the Deputy Commissioner.

Inspection of records.

48. (1) The Deputy Commissioner and the Amildar shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.

(2) Any officer authorised by the Deputy Commissioner in this behalf shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the district.

Inspection of property or work.

49. (1) The Deputy Commissioner and the Amildar shall, in respect of Panchayets within their jurisdiction, have power at all times—

(a) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by, or any work in progress under the orders of, or any institution controlled by, a Panchayet;

(b) to call for and inspect, for the purposes of this Regulation, any document which may be in the possession or under the control of a Panchayet; and

(c) to require the Panchayet to furnish such statements, accounts and reports as they think fit.

(2) Any officer authorised by Government in this behalf may exercise the powers of an Amildar or a Deputy Commissioner, as the case may be, in respect of a Panchayet or Panchayets.

Appointment of Inspectors.

50. The Government may appoint for any Taluk or group of Taluks one or more Inspectors of Panchayets to discharge such functions as may be prescribed in this behalf in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.

Power to provide for performance of duties in default of Panchayet.

51. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty under section 20 and is satisfied after due enquiry that the Panchayet has been guilty of the alleged default, he may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Amildar may appoint some person to perform it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Panchayet.

(3) If the expense and the remuneration are not so paid, the Amildar may make an order directing the person having the custody of the balance of the Panchayet Fund to pay the expense and remuneration, or as much thereof as is possible from that balance.

(4) A copy of the order passed under sub-sections (1), (2) and (3) shall be sent to the Deputy Commissioner as soon as it is passed and it shall be within the discretion of the Deputy Commissioner to rescind or to modify the order.

Power to suspend execution of orders, etc.

52. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of reasons for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force, with or without modification permanently or for such period as he thinks fit.

Extraordinary power of an Amildar in cases of emergency.

53. (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with the reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

(2) If the expense and the remuneration are not so paid, the Amildar may make an order directing the person having the custody of the balance of the Panchayet Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Amildar shall forthwith report to the Deputy Commissioner every case in which he uses the powers given to him by this section.

Power to supersede Panchayet in case of incompetency, default or abuse of powers.

54. (1) If a Panchayet is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may, after giving such Panchayet an opportunity of being heard, declare, by an order published in the official gazette, with the reasons for making it, the Panchayet to be incompetent, or in default, or to have exceeded or abused its powers as the case may be, and, supersede it for a period to be specified in the order.

(2) When a Panchayet is so superseded, the following consequences shall ensue— Consequences of supersession of Panchayet.

(a) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(b) all powers and duties of the Panchayet may, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner from time to time appoints in that behalf;

(c) where a Panchayet is superseded, all property vested in it shall, during the period of supersession, vest in the Deputy Commissioner subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the Panchayet shall be re-established by re-appointment or election and the persons who vacated their office under clause (a) shall not be deemed disqualified for appointment or election.

(4) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.

Appeals.

55. (1) Save as otherwise provided for in this Regulation, an appeal shall lie from an order of—

(a) the Panchayet in a taluk, to the Assistant Commissioner in charge of the taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge; and

(b) the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within thirty days of the date of publication or communication of the order. The decision of the Deputy Commissioner shall be final.

(2) Appeals to Government when expressly allowed under the Regulation shall be preferred within ninety days of the date of publication or communication of the order of the Deputy Commissioner and the decision of the Government shall be final.

Disputes between Panchayets.

56. (1) If a dispute arises between two or more Panchayets in the same taluk, the matter shall be referred to the Amildar for decision.

(2) If a dispute arises between two or more Panchayets which are within the same district but which are in different taluks, the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

(3) If a dispute arises between two or more Panchayets in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

Disputes between a Municipal Council and a Panchayet.

57. (1) If a dispute arises between a Municipal Council not being a City Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final:

Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government.

(2) If a dispute arises between a City Municipal Council and a Panchayet or between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

President of Sanitary Board to exercise powers of Deputy

58. Where a Panchayet has been established under this Regulation for a village or villages under the control of a Sanitary Board constituted under the provisions of the Mysore Mines Regulation, the powers that may be exercised by the Amildar and the Assistant Commissioner under this Regulation,

Commissioner and the Vice-President those of the Amildar and Assistant Commissioner.

shall be exercised by the Vice-President of the Board, and the powers of the Deputy Commissioner by the President of the Board :

Provided that nothing contained in this Regulation shall affect the powers that are now exercised by a Sanitary Board in respect of the control of epidemics in the area under its control.

## CHAPTER VI.

### MISCELLANEOUS.

Members, etc., of Panchayets to be public servants.

59. Every member of a Village Panchayet and every officer and servant maintained by or employed under it shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Liability of members for loss, waste or misapplication of property or money.

60. (1) If the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on the part of a member of the Panchayet, they may, after giving the Panchayetdar a sufficient opportunity for showing cause to the contrary, by order in writing, direct such member to pay to the Panchayet before a date fixed, the amount required to re-imburse it for such loss, waste or misapplication.

(2) If the amount is not so paid, the same shall be recovered as an arrear of land revenue and credited to the Panchayet Fund.

(3) The decision of the Government shall be final as to the liability of a member under sub-section (1) and as to the amount to be recovered from him.

Institution of legal proceedings against Panchayet, member, officer, servant, or agent and bar of certain suits.

61. (1) (*a*) No suit shall be brought against any Panchayet or any member, officer, servant or agent thereof acting under its direction, in respect of any act purporting to be done in its or his official capacity, until the expiration of two months next after notice in writing has been, in the case of a Panchayet, left or delivered at its office and in the case of a member, officer or servant, delivered to him or left at his office or place of residence. The notice shall state the cause of action, the name and place of residence of the intending plaintiff, and the relief which he claims. The plaint shall contain a statement that such notice has been so delivered or left.

(*b*) Every such action shall be dismissed unless it is instituted within six months after the accrual of the alleged cause of action, and the service of such notice is admitted or proved.

(*c*) When the suit is against a member, officer, servant or agent of a panchayet, the Deputy Commissioner shall determine whether the defence of the suit should be undertaken by the Panchayet and paid for out of the Panchayet Fund.

(2) (*a*) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation, or for the recovery of any sum of money collected under the authority of this Regulation, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Regulation have been in substance and effect complied with.

(*b*) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a Panchayet acting under its direction, in respect of anything done lawfully and in good faith under this Regulation or any rule made thereunder.

Punishmen for obstructing Panchayet, member or agent.

62. Whoever obstructs or molests a Panchayet or any member thereof, or any person employed by it or him, or any person with whom it or he has contracted in the performance of its or his duty under the provisions of this Regulation, or prevents or tries to prevent any person from doing anything which he is empowered or required to do by virtue of this Regulation, or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by this Regulation, or removes or destroys, defaces or otherwise obliterates any notice put up or exhibited by the Panchayet or under its authority, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 50.

Punishment for offences under this Regulation and powes to compound.

63. (1). Whoever—

(a) erects, alters, adds to or reconstructs a building without the written permission required by section 29 or in contravention of any of the conditions imposed by it;

(b) uses any place for an offensive or dangerous trade without a license required by section 30 or contrary to the conditions imposed therein; or

(c) disobeys an order issued under sub-section (3) of section 32; or

(d) commits any other offence under the Regulation or such rules thereunder as are notified by Government as being punishable under this section;

shall, on conviction before a Magistrate, be punished with fine which may extend to rupees fifty. He shall also be liable to a further fine which may extend to Rs. 5 for each day after conviction during which he continues so to offend.

(2) A Panchayet may—

(a) accept by way of compensation a sum of money not exceeding Rs. 50 from any person who, in the opinion of the Panchayet, has committed any of the aforesaid offences, and on such compromise no proceeding shall be taken against such person in respect of such offence;

(b) compound for a similar sum any of the aforesaid offences, or any offences under this Regulation, which may by rules made by the Government be declared compoundable, or withdraw from the prosecution instituted under this Regulation or any rule thereunder.

(3) All fines imposed by a Magistrate under this Regulation or the rules framed thereunder shall be recovered and credited to the Panchayet Fund.

Panchayet may prosecute.

64. A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet Fund:

Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence.

Power of Government to make rules.

65. (1) The Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules,

(a) with reference to all matters expressly required or allowed by this Regulation to be prescribed;

(b) for giving intimation of vacancies in the offices of Chairman and Panchayetdars, for fixing the time within which elections shall be held for filling such vacancies, and generally for regulating all elections under this Regulation and determining the authority who shall decide disputes relating to such elections;

(c) regulating the establishment of the Panchayets and their powers to acquire, hold and transfer property and to enter into contracts;

(d) as to the powers that may be exercised by the Chairman;

(e) as to the grant of leave to the Chairman and Secretary and for the conduct of business during their absence;

(f) regarding the time, place and the conduct of meetings of Panchayets;

(g) regarding the appointment of the officers and servants of the Panchayet and their salaries, allowances, pensions, gratuities, transfers and punishments;

(h) as to the levy of taxes, cesses, rates, fees or other dues under this Regulation, their assessment and

recovery including the procedure to be adopt during distraint, sale, etc.

(*i*) as to the accounts to be maintained by Panchayets, th audit and publication of such accounts, and the arrangements to be made for the lodging and custody of the Village Fund;

(*j*) as to the returns, statements and reports to be submitted by Panchayets;

(*k*) as to the preparation and sanction of the estimates of receipts and expenditure of Panchayets;

(*l*) prescribing the manner in which notifications and orders under this Regulation shall be published;

(*m*) prescribing instructions for the guidance of the controlling authorities in exercising the powers delegated to them;

(*n*) as to the powers and functions of Inspectors of Panchayets in regard to the administration of Panchayets;

(*o*) prescribing the class of Magistrates by whom offences under this Regulation or the rules thereunder shall be tried;

(*p*) as to the settlement of differences or disputes between any two Panchayets or between a Panchayet or any other local authority in regard to any matters arising for decision under this Regulation;

(*q*) regulating the conservancy of villages;

(*r*) providing for the protection and periodical examination of wells and water-supply in villages;

(*s*) defining and prohibiting public nuisances in villages;

(*t*) improving the sanitation of villages in other similiar respects; and

(*u*) regulating the grant of permission to erect buildings and the conditions and terms that may be imposed.

(3) The power to make rules under this section is subject to the condition that the rules shall not take effect, until they shall have been previously published in the official gazette.

**Form of notices.**

66. All notices given or issued under the provisions of this Regulation shall be in writing.

**Method of serving document**

67. (1) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof may be effected

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the village and his address elsewhere is known to the Chairman, by sending the same to him by post registered; or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers.

(3) Whenever in any bill, notice or other document served or sent under this Regulation or the rules thereunder a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any distinct provision to the contrary in this Regulation or the rules thereunder, be calculated from the date of such service or sending.

MIRZA M. ISMAIL,
*Dewan.*